



# **Family Law (Fees) Amendment (2015 Measures No. 1) Regulation 2015**

## **Select Legislative Instrument No. 114, 2015**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),  
Governor-General of the Commonwealth of Australia, acting with the  
advice of the Federal Executive Council, make the following regulation.

Dated 09 July 2015

Peter Cosgrove  
Governor-General

By His Excellency's Command

Warren Truss  
Minister for Infrastructure and Regional Development  
for the Attorney-General

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## 1 Name

This is the *Family Law (Fees) Amendment (2015 Measures No. 1) Regulation 2015*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this instrument	The day after this instrument is registered.	13 July 2015

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the following Acts:

- (a) the *Family Law Act 1975*;
- (b) the *Federal Circuit Court of Australia Act 1999*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### Part 1—Main amendments

#### *Family Law (Fees) Regulation 2012*

##### **1 Section 1.03 (definition of *filing fee*)**

Omit “10A”, substitute “10B”.

##### **2 Section 1.03 (definition of *magistrate*)**

Repeal the definition.

##### **3 At the end of section 1.04**

Add:

Note 3: See also Part 3 for other transitional provisions.

##### **4 Subsection 2.13(1)**

Omit “1 July 2014”, substitute “1 July 2016”.

##### **5 Subsections 2.13(2), (5) and (6)**

Repeal the subsections.

##### **6 Subsection 2.13(7) (heading)**

Repeal the heading.

##### **7 Schedule 1**

Repeal the Schedule, substitute:

## **Schedule 1—Fees**

Note: See section 2.02.

### **1 Fees**

The following table sets out fees payable for:

- (a) the filing of a document; or
- (b) certain services provided in relation to a proceeding.

<b>Fees</b>		
<b>Item</b>	<b>Document or service</b>	<b>Fee</b>
1	Filing an application in proceedings for a divorce order in relation to a marriage or a decree of nullity of marriage, other than proceedings to which item 2 applies	(a) general fee—\$1 200 (b) reduced fee—\$395
2	Filing an application in proceedings for a divorce order: (a) commenced in a court mentioned in paragraph 10A(a) or (c) of the <i>Family Law Regulations 1984</i> ; or (b) commenced in another court for transfer to a court mentioned in paragraph 10A(a) or (c) of those Regulations; or (c) commenced in the Federal Circuit Court	(a) general fee—\$1 200 (b) reduced fee—\$280
3	Filing an application in proceedings for a declaration about the validity of a marriage, a divorce or the annulment of a marriage	\$1 320
4	Filing an application for final orders in eligible financial or parenting proceedings, other than an application under the <i>Trans-Tasman Proceedings Act 2010</i>	\$355
5	Filing a response to an application for final orders in eligible financial or parenting proceedings	\$355
6	Filing an application for a consent order	\$240
7	Filing an appeal under section 94 or 94AAA of the Family Law Act, unless leave to appeal is required and the fee mentioned in item 8 has been paid	\$1 405
8	Filing an application for leave to appeal under section 94 or 94AAA of the Family Law Act	\$1 405
9	Filing: (a) an interim order application; or (b) an application under the <i>Trans-Tasman Proceedings Act 2010</i> , other than an application mentioned in item 10A	\$125
10	Filing an application for both an order under Part VII of the Family Law Act and an order under any of the following: (a) Part VIII of that Act (other than a spousal	\$590

**Schedule 1** Amendments  
**Part 1** Main amendments

<b>Fees</b>		
<b>Item</b>	<b>Document or service</b>	<b>Fee</b>
	maintenance order); (b) Part VIIIA of that Act; (c) Part VIIIAB of that Act (other than an order for the maintenance of a party to a de facto relationship)	
10A	Filing an application to register a New Zealand judgment under the <i>Trans-Tasman Proceedings Act 2010</i>	\$110
10B	Filing an amendment of: (a) an application mentioned in item 1, 2, 3, 4, 6, 8, 9 or 10; or (b) a response mentioned in item 5; or (c) a subpoena	\$125
11	Setting down for hearing in proceedings for a divorce order, if defended, in relation to a marriage or a decree of nullity of marriage	(a) for hearing before a Judge of a Family Court—\$890 (b) for hearing before a Judge of the Federal Circuit Court—\$655 (c) for hearing before a magistrate—\$655
12	Setting down for hearing in proceedings, if defended, for a declaration as to the validity of a marriage, a divorce or the annulment of a marriage	(a) for hearing before a Judge of a Family Court—\$890 (b) for hearing before a Judge of the Federal Circuit Court—\$655 (c) for hearing before a magistrate—\$655
13	Setting down for hearing of an application for final orders, if defended, in eligible financial or parenting proceedings	(a) for hearing before a Judge of a Family Court—\$890 (b) for hearing before a Judge of the Federal Circuit Court—\$655 (c) for hearing before a magistrate—\$655
14	Setting down for hearing in an appeal under	\$890

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<b>Fees</b>		
<b>Item</b>	<b>Document or service</b>	<b>Fee</b>
	section 96 of the Family Law Act from a decree of a court of summary jurisdiction	
15	Hearing in proceedings for a divorce order, if defended, in relation to a marriage or a decree of nullity of marriage—for each hearing day or part of a hearing day, other than the first hearing day	(a) for hearing before a Judge of a Family Court—\$890 (b) for hearing before a Judge of the Federal Circuit Court—\$655 (c) for hearing before a magistrate—\$655
16	Hearing in proceedings, if defended, for a declaration as to the validity of a marriage, a divorce or the annulment of a marriage—for each hearing day, or part of a hearing day, other than the first hearing day	(a) for hearing before a Judge of a Family Court—\$890 (b) for hearing before a Judge of the Federal Circuit Court—\$655 (c) for hearing before a magistrate—\$655
17	Hearing of an application for final orders, if defended, in eligible financial or parenting proceedings—for each hearing day or part of a hearing day, other than the first hearing day	(a) for hearing before a Judge of a Family Court—\$890 (b) for hearing before a Judge of the Federal Circuit Court—\$655 (c) for hearing before a magistrate—\$655
18	Hearing in an appeal under section 96 of the Family Law Act from a decree of a court of summary jurisdiction—for each hearing day or part of a hearing day, other than the first hearing day	\$890
19	For issuing a subpoena	\$125
20	For a conciliation conference in proceedings for an order under Part VIII or VIIIAB of the Family Law Act	\$415

Note: The fees mentioned in this Schedule are subject to increase under section 2.13.

## Part 2—Application of amendments

### *Family Law (Fees) Regulation 2012*

#### 8 After Part 2

Insert:

## Part 3—Transitional provisions

### 3.01 Transitional provisions relating to the *Family Law (Fees) Amendment (2015 Measures No. 1) Regulation 2015*

The amendments made by Part 1 of Schedule 1 to the *Family Law (Fees) Amendment (2015 Measures No. 1) Regulation 2015* (the **amending regulation**) apply in relation to the liability of a person to pay any of the following fees:

- (a) a filing fee for filing a document after the commencement of the amending regulation;
- (b) a setting down fee for a hearing if the hearing day is fixed after the commencement of the amending regulation;
- (c) a hearing fee for a day, or a part of a day, if the day (or part of the day) is fixed after the commencement of the amending regulation;
- (d) a conciliation conference fee for a conference the date for which is fixed after the commencement of the amending regulation;
- (e) any other fee under this regulation for a service that is provided in relation to a proceeding after the commencement of the amending regulation.